

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,)
)
v.)
) **No. 3:05-CR-32**
DIANE SHANDS ROBBINS)
)
) **(Phillips)**

ORDER

This matter is before the court on the defendant's motion for release pending sentencing [Doc. 434]. In support of the motion, defendant would show that she is approximately 35 weeks into the term of her pregnancy with an anticipated due date of April 29, 2007. Should she proceed to full term, defendant anticipates delivering the child by cesarean section on or about April 23, 2007, as her pregnancy is classified as "high risk." Defendant states that she was not transported to her doctor for a scheduled visit on March 27, 2007. Defendant avers that she is in need of weekly visits with her treating physician through the time of her delivery. Based on the foregoing, defendant moves the court that she be temporarily released from custody through the remaining term of her pregnancy and required post-surgical care.

Defendant entered a plea of guilty to Count 1 of the superseding indictment charging her with conspiracy to distribute in excess of 1,000 kilograms of marijuana in violation of U.S.C. §§ 846, 841(a)(1) and (b)(1)(A). As a result of her guilty plea, defendant is facing a statutory mandatory minimum sentence of ten years to life imprisonment. At the

time she entered her guilty plea, the court rejected defendant's argument that her pregnancy constituted "exceptional conditions," which should allow her continuing on pretrial release. Defendant has not provided a basis, medical or otherwise, that her situation is any different than other pregnant defendants who are in custody pending sentencing and/or trial. Nor has she shown that her pregnancy cannot be provided for by the United States Marshal's Service. Accordingly, defendant's motion for release pending sentencing, [Doc. 434] is **DENIED**.

ENTER:

s/ Thomas W. Phillips

United States District Judge